

## SECTION 1 GENERAL PROVISIONS

### 1.1 Title, Creation and Adoption

- 1.1.1 These Regulations shall be known as the Gallatin County/Belgrade Area Zoning District Regulations (Regulations). They are adopted for the Gallatin County/Belgrade Area Zoning District (District), which was adopted on \_\_\_\_.
- 1.1.2 These Regulations are adopted pursuant to Montana Code Annotated (MCA) §76-2-201 et. seq., in accordance with the Belgrade Area Growth Policy (Growth Policy).
- 1.1.3 Copies of these Regulations and Zoning Map are on file for public inspection with the Office of the Gallatin County Clerk and Recorder, the Belgrade City-County Planning Department (Planning Department), and the Gallatin County Planning Department (Planning Department).

### 1.2 Legal Description

Land within the Gallatin County/Belgrade Area Zoning District is legally defined as the following:

**Lands within Township 1 North, Range 4 East:** all of Sections 13 and 14; the east half of Section 15; the southeast quarter of Section 20; the south half of Section 21; all of Sections 23, 24, 25, 26, 27, and 28; the south half and the northeast quarter of Section 29; all of Sections 32, 33, and 34; all of Section 35 outside the City of Belgrade; and the northwest quarter of Section 36.

**Lands within Township 1 North, Range 5 East:** the northwest quarter and the south half of Section 18; all of Sections 19 and 20; the northwest quarter of the southwest quarter and the south half of the south half of Section 21; the west half of the west half of Section 27; all of Sections 28, 29, and 30; all of Sections 31 and 32 outside the City of Belgrade; and all of Sections 33 and 34.

**Lands within Township 1 South, Range 4 East:** all of Sections 1 and 2 outside the City of Belgrade; all of Sections 3, 4, 5, 8, 9, 10; all of Sections 11 and 12 outside the City of Belgrade; all of Sections 13, 14, 15, 16, 17; the east half of Section 20; all of Sections 21, 22, 23, 24, 25, 26, and 27; and the north half and the southeast quarter of Section 28.

**Lands within Township 1 South, Range 5 East:** all of Sections 3, 4, 5, and 6; all of Section 7 outside the City of Belgrade; all of Sections 8, 9, and 10; all of Section 15 except the southeast quarter of the southeast quarter; all of Section 16; all of Sections 17 and 18 outside the City of Belgrade; all of Sections 19 and 20; the northwest quarter, the east half of the northeast quarter, the northeast quarter of the northeast

quarter, the northwest quarter of the southeast quarter, the north half of the southwest quarter, and the west half of the southwest quarter of the southwest quarter of Section 21; the west half, and the west half of the east half of Section 29; and all of Section 30.

**Excluding:** All lands within the East Gallatin Zoning District adopted by Resolution 2006-062 and amended through Resolution 2007-104; all lands within the River Rock Zoning Regulation as described in Resolution 1999-014; all lands within the extraterritorial zoning adopted by the City of Belgrade pursuant to the authority of MCA § 76-2-310(1). As lands are annexed by the City of Belgrade or zoned by the City of Belgrade pursuant to the authority of MCA § 76-2-310(1), they shall be considered excluded from the Gallatin County/Belgrade Area Zoning District.

### **1.3 Application of District Regulations**

- 1.3.1 Application. The requirements established by these Regulations are minimum regulations and apply uniformly to each class or kind of Structure or land throughout the District. Regulation provisions shall be held to the minimum that protects and promotes the public health, safety and general welfare of the District.

These Regulations include a grandfather clause in accordance with MCA § 76-2-208, which allows existing non-conforming Lots, Structures, uses of land, and other characteristics which would otherwise be restricted or regulated under the terms of these Regulations, to continue as non-conforming. Non-conforming uses cannot be enlarged upon, expanded, or extended, nor used as grounds for adding other Structures or uses prohibited in the same District. Property owners of legally existing non-conforming Structures may apply for a Conditional Use Permit (CUP, Section 2.5) to change, alter, enlarge, or expand non-conforming uses.

- 1.3.2 Zoning Regulation Conformance. All new construction is potentially subject to the provisions of these Regulations. Property owners are responsible for ensuring all activity within District boundaries conforms to these Regulations.
- 1.3.3 Exception. Under certain circumstances, the Planning Department may exempt public utility pipelines, wells, or Structures necessary for provision of services required for public health and safety, from provisions of these Regulations.
- 1.3.4 Vesting. An application made within the District is subject to the Regulations in effect at the time the application is submitted.
- 1.3.5 Contradictions. If the requirements of these Regulations conflict with the requirements of any other lawfully adopted rules, regulations or covenants, the most restrictive (or higher standard) shall govern.
- 1.3.6 Interpretations. The Planning Department, Code Compliance Specialist, Belgrade City-County Planning Board (Planning Board) and the Gallatin County Commission (County

Commission) can make official interpretations of the Belgrade Area Zoning District Regulations, boundaries, and map. If questions arise concerning the appropriate classification of a particular use, or if the specific use is not listed, the County Commission shall determine the appropriate classification of that use.

In interpreting a use classification, the County Commission shall consider the matter in an official meeting and determine that the use:

- A. Is compatible with the uses allowed in the District.
- B. Is similar to one or more uses allowed in the District.
- C. Will not adversely affect property in the neighborhood or the District.
- D. Will not abrogate the intent of the Growth Policy or these Regulations.

- 1.3.7 Natural Resources. These Regulations may not prevent the complete use, Development, or recovery of any mineral (including an operation that mines sand and gravel or mixes concrete or batches asphalt), forest, or agricultural resource, except as authorized by MCA §76-2-209(2).

## **1.4 Intent and Purpose**

- 1.4.1 These Regulations have been made in accordance with the Belgrade Area Growth Policy (adopted by the County Commission on February 6, 2007) for the purpose of promoting the public health, safety, and general welfare. Additionally, in accordance with MCA §76-2-203, these Regulations are designed to:

- A. Secure safety from fire and other dangers.
- B. Promote public health, public safety, and the general welfare; and
- C. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

These Regulations give reasonable consideration the reasonable provision of adequate light and air; the effect on motorized and non-motorized transportation systems; compatible urban growth in the vicinity of cities and towns; and to the character of the District and its peculiar suitability for particular uses with a view to conserving the value of buildings and encouraging the most appropriate use of land. Further, these Regulations have been made compatible with the zoning ordinance of nearby municipalities.

## **1.5 Establishment of Zoning Districts and Official Zoning Map.**

- 1.5.1 **Official Zoning Map.** The official Zoning Map shall be available in the Office of the Gallatin County Clerk and Recorder and shall bear certificate with the signature of the

Chairman of the Commission attested by the Clerk and Recorder, and the date of adoption of the official Zoning Map. If any changes to the official Zoning Map are made by amendment of these Regulations in accordance with Section 2.9 hereof, such changes shall be made to the official Zoning Map and signed, dated and certified upon the map or upon documentation attached thereto.

- 1.5.2 **Interpretation of Map Boundaries.** Where uncertainty exists as to the boundaries of districts as shown on the official Zoning Map, the boundaries shall be interpreted as following the nearest logical line to that shown. Boundaries indicated as approximately following the centerline of roads or highways shall be construed to follow such centerlines. Boundaries indicated as approximately following platted Lot lines shall be construed as following such Lot lines. Boundaries indicated as following the centerline of streams, rivers, canals, or ditches shall be construed to follow such centerlines. Boundaries indicated as parallel to or extensions of features indicated on the official Zoning Map shall be determined by the scale of the map.

## **1.6 Invalidation and Severability**

- 1.6.1 If any section, subsection, subdivision, sentence, clause, paragraph, or phrase of these Regulations, or any attachments hereto, is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of these Regulations to render the same operative and reasonably effective for carrying out the main purpose and intention of these Regulations.